COMMERCIAL.

TUESDAY, Oct. 30, 1888. Arrivals from foreign ports for the past week have been as been as follows: German ship H. Hackfeld, Laverpool; American bark Forest Queen, San Francisco; Hawajian S. S. Zealandia, San Francisco; American bark Amy Turner, Boston; American barkentine Amelia, Port Townsend; Hawaiian bark W. B. Godfrey, British

Departures were: Hawaiian S. S. Australia, San Francisco; American bark C. O. Whitmore, British Columbia; Hawaiian S. S. Zealandia, Australian Colonies.

Receipts from outports for the week in-cluded, besides live stock and a variety of country produce, 9,187 bags sugar and 2,965 bags rice.
The S. S. Australia took away a valuable

eargo for the season.

The Planters' Labor and Supply Company, now in session at Honolnia, is expected to enlarge its scope. It is proposed to make it a means of promoting general agriculture and domestic industry. as well as sugar cultivation and manufac ture, hitherto its specialty. Reorganized upon such a basis, it may be boned to do well what the Royal Hawaiian Agricultural Society has bitberto but indifferently per-

formed, or even attempted. The fall in the raw sugar market was not unexpected, being the usual thing at the opening of the grinding season. Still, it is to be hoped that a portion of the recent rise in our chief staple will be permanent. As yet no notice has appeared of our

bread being raised in price, according to the fast rising scale in foreign markets. G. D. Freeth, lately in the wholesale liquor business, is the single case of bank raptor for the week.

PORT OF HONOLULU, H. I.

ARRIVALS.

MONDAY, Oct. 20. Stmr Kilauea Hou, Cameron, from Hamakus, Hawaii.

Stmr Viva from Maui. Schr Lavinia from Ewa. Schr Mokuola from Ewa. Oahu. Schr Josephine from Ewa.

TUESDAY, Oct. 23. Stmr Kasia, Underwood, from Waisnae and Watalua. Ger bk H Hackfeld, Wolters, 146 days from Liverpool. Am bk Forest Queen, Winding, 1214 days from San Francisco

WEDNESDAY, Oct. 24. Stmr C R Bishop, Le Claire, from circuit Schr Kaulilus from Kausi.

THURSDAY, Oct. 25. Schr Mokuola from Ewa, Oahu.

FRIDAY, Oct. 20. Stmr W G Hall, Chaney, from Maui and Hawaii. Schr Sarah and Eliza from Koolau.

Stnir Kaala, Underwood, from Waianae Stur J A Commins, Neilson, from Koo-

SATURDAY, Oct. 27. R M S S Zealandia, Oterendorp, 6% days from San Francisco. Stinr Kaala, Underwood, from Waianae and Waislus.

Stmr J A Cummins, Neilson, from Koo-Simr Mokolii, McGregor, from Molokai Simr James Makee, Macaulay, from

Am bk Amy Turner, Johnson, 152 days from Boston. Schr Manuokawai from Koolau.

Schr Kauikeaouli from Kauai SUNDAY, Oct. 28 Stmr Mikabala, Freeman, from Kausi Stur Waialeale, Campbell, from Hanalei.

Stmr Kinau, Lorenzen, from Maui and Star Likelike, Davies, from Maui. Stmr I walant, Weir, from Hamakus, Am bktne Amelia, Newhall, 21 days from Port Townsend.

Haw bk W B Gotfrey, Dabel, 24 days from Nanaimo, BC.

DEPARTURES.

MONDAY, Oct. 22. Stmr Kinau, Lorenzen, for Maui' and Hawaii, at 4 p m. Stmr Mokolii, McGregor, for Molokai, at

5 p m. Stmr Kanla, Underwood, for Walanae and Watshu at 9 a m. Stmr J A Cummins, Neilson, for Koolau.

Schr Haleakala, for Pepeekeo.

Schr Ka Motfor Waimea. TUESDAY, Oct. 23. Haw S S Australia, Houdlette, for San

Stmr Mikahala, Freeman, for Kauai, at Stmr Waigleale, Campbell, for Kilauca and Hanalei, at 5 p.m. Stmr James Makee, Macaulay, for Kapas. 5 p m.

Stmr Iwalam, Weir, for Hamakua, via Lahama, at 8 a m. Stmr J A Cummins, Neilson, for Koolau, at 9 a m. Schr Lavinia for Ewa.

Stmr Viva for Maui at noon. Schr Moiwahine for Hamakua. Schr Mile Morris for Koolau. WEDNESDAY, Oct. 24.

Stmr Likelike, Davies, for Kahului, 5 Stmr Kilausa Hou, Cameron, for Hamakua, Hawaii, 5 p m.

THURSDAY, Oct. 25. Am bark CO Whitmore, Ward, Royal Roads. Stmr Kaala, Underwood, for Waianne and Waislua, 9 a m.
Schr Rainbow for Koolsu and Punalun. Schr Mile Morris for Koolau, FRIDAY, Oct. 26.

Stmr Kaimiloa, Smythe, for Lahaina, at Stmr C R Bishop, Le Claire, for circuit of Oahu, 9 a m.

SATURDAY, Oct. 27. R M S S Zealandia, Oterendorp, for the

Receipts of Produce for the Week.

Bags sugar.	Bags rice,	Mis. pags
Kilauca Hou . 1400	4450	2000
Schr Mile Morris.	450	****
Schr Luka	1450	2000
Strar Kanla 500	Diet V	-70
Stmr C R Bishop	390	1455
Schr Kaulilua 357	49	144.00
Stmr W G Hall., 4791	1000	363
Schr S & Elita	385	2554
Stmr Iwalani 1728	ALL I	103
Stmr Mikahala 231	. 30	184
Stmr Waialeale	20	****
Stmr Likelike 180		183
Stmr Kinau		378
SchrManuokawai	200	

PASSENGERS

ARRIVALS.

From San Francisco, per bark Forest Queen, Oct. 23—H Wormington, Mrs E Waliace, S B Stevens, W B Koh, G W Sane,

From Liverpool, per ship H Hackfeld, Oct 23—C Behne, G Rabe, and 3 stowaways. From Maui and Hawaii, per stmr W G Hall, Oct 28-H Y Musgrave, J Rothwell, M R Colburn, J N S Williams, G Jones, E and 60 deck passengers.

From Kapaa, per stmr James Makee, Oct 27—Col Z S Spalding.

Ackland and servant, Sister Anthony, J T Arundel, Sister Bonaventura, M Brasch, P Bunker, A F Cooke, C M Cooke, S Ehrlich and wife, W W Goods' - Dr M Grossman, Henry Grother, Paul - amil, C T Hancock and wife, Mrs A E Highcock, Miss Hitch-cock, M Judah, wife and infant. J H Ken-nedy, J Kidwell, N Knudsen, H W Peck, W J Smith, Sister Vincent, C E Williams, W K Hitchcock, C H Kluegel, Father Sylvester, 22 steerage; and 61 cabin and 68 steerage in transit for the Colonies.

From Kauai, per stmr Mikahala, Oct 28-S W Wilcox, H H Wilcox, M A Gonsalves, Ashford Spencer, H P Faye, 5 Chinese, and 50 deck passengers.

From Hamakua via Lahaina, per stmr Iwalani, Oct 28—A W Keech, Miss Lillian L Lyman, J M Horner, C H Carter, and 14 deck passengers.

From Kauai, per stmr Waialeale, Oct 28 Mr Muller and 5 deck passengers. From Maui, per stmr Likelike, Oct 28— Hon H P Baldwin, Miss Giles, P High, Mrs D P Kellett and 2 children, Mrs P Marble, W Goodness and child, W Goodale, E H Bailey, Mrs Achung, Miss Mary Langford, 3 police officers, 25 lepers, and 1

From Maui and Hawaii, per stmr Kinau, Oct 28-J H Maby and 2 children, G Irvine, A T Atkinson, Chun Lung, T C Alama, Wong Kwai, Y Alau, Geo S Bond, W J Wright and son, Geo Campton, H R Bry-ant, W H McInerny, Hon J I Dowsett, jr, Wm Thompson, J E Ward, Mrs M Puni and child, and 63 deck passengers.

DEPARTURES. For Mani and Hawaii, perstmr Kinau, Oct 22—A P Peterson, A Barba, A Gilfillan, M Koki and 3 children, Hon J Richardson, Geo F Holmes, A C Turton, W Burlowitz, W C Peacock, W F Mossman, S F Chil-lingworth, T Hughes, A Lidgate, and

about 70 deck passengers. For Kauai, per stmr. Waisleale, Oct 23 M Λ Gonsalves, and about 20 others. For Hamakua and Lahaina, per stmr Iwalani, Oct 23-J Marsden, WH Rickard,

Bosse, and 40 others. For Kauai, per stmr Mikahala, Oct 23— R A Mactie, Jr. Judge J Kala, Mr Smith, Mr Apol, Mrs A Lovell, Mr Katsura, C W Spitz, C H Bishop, Ed Kaaloa, Hon G N Wilcox, A Brown and bride, 4 Chinese and

about 50 deck passengers. For San Francisco, per stmr Australia, Oct 23-M Dickson, C W Macfarlane, wife and child, W J Brodrick, wife and child, and child, W J Brodrick, wife and child, Miss M Dyke, Mrs Lacey, Captain D T Mannix, J W Barnes, Mrs J Farnsworth and child, R Stewart, O P Downing, Miss E White, Mrs Henson, M M Tompkins, Mrs C L Wight, W A Bowen, Miss A Paris, E M Walsh, Miss Shea, R Hind, B Stoover, H C Bryant and wife, J G Spencer, wife and son, Kinn W C Wilder, Miss J Cameron, Hon H A Widemann, H Snibley, H A Parmelee and wife, Miss Charlotte Parmelee, E D Tenney, Hon W G Frwin, wife, child and maid. B Halliday, H M Ferguson, A Hudson, Mrs E McDonald, Mrs C Maefarlane, C J Fishel. Steerage: W Wale, wife and child, Miss L Perrins, J H Congdon, Chas Priscell, Mrs F B Wilcox, Congdon, Chas Priscell, Mrs F B Wilcox, E Farr, H Holland and wife, H Morgan, wife and three children, A M Hewett, A C Fasel, wife and daughter, L Derking, wife, child and sister, B F Saylor, R Davis, Mrs D Hecker and 2 children, Henry Hege

and 8 others. For Maui per stnir Likelike, Oct 24-Mrs W C Wilder and child, Miss Helen Wilder, Starr Kapu and wife, Mrs A Lovel), Thos K Nathaniel, Mrs J H S Kaleo, and about 63 deck passengers.

SHIPPING NOTES.

The French bark Delphine Melanie, after inloading coal here, will leave in ballast for Malden Island to load guano for home. There are about eight schooners sta-

tioned in the rotten row, whose owners cannot find anything for them to do for the present. The American bark C. O. Whitmore

Captain D. H. Ward, sailed on Thursday October 25th, in ballast for Royal Roads British Columbia

The American bark Amy Turner sailed from New York for Honolulu via Boston April 20th, and on May 24th left Boston for here. She is therefore about 155 days out. The steamer Likelike sailed on Wednesday evening for Maui with general freight, and also a locomotive boiler for the Kahu-lui railroad and several pieces of machinery rom the Honolulu Iron Works for Paia

The steamer Kaimilos sailed on Friday evening for Lahaina, Maui, with 60 tons general freight and 62,000 feet lumber from the bark Forest Queen for Mr. Baldwin, Mr. A. W. Keech, Superintending Engineer of I. I. S. N. C., went in order to fully examine the working of the machinery.

The Hawaiian bark W. B. Godfrey was owed out of San Francisco harbor together with the American bark Alden Besse bound for Nanaimo, B. C., and both arrived there on the same day. They took in coal and sailed on the same day for these islands, the W. B. Godfrey for Honolulu, and the Alden Besse for Kahului.

The American bark Forest Queen, Capt. J. C. M. Winding, arrived on Tuesday October 23d, 1234 days from San Francisco with a full cargo of general merchandise consigned to Messrs. Theo. H. Davies & Co., and also 6 horses, 6 mules, and I cow for Mr. Wormington. Had favorable winds and pleasant weather the entire passage. The Forest Queen is docked at Brewer's

The American barkentine Amelia, Captain William Newhall, arrived from Port Townsend, W. T., on Saturday evening, October 27th, 21 days, with 492,000 feet lumber, 100,000 shingles, and 20 cords wood for Messrs. Allen & Robinson, and has een docked at the company's wharf. Reports baving experienced a very severe gale from southeast to southwest on the 10th inst., but from there to port had light easterly winds.

The Hawaiian bark W. B. Godfrey, Cap-The Hawattan bark W. B. Godfrey, Captain R. Dabel, arrived on Sunday, October 28th. 24 days from Departure Bay, B. C., with 910 tons coal to Messrs, C. Brewer & Co. Met the American whaling bark T. Allen off Lower California, 117 days out from Chili bound for San Francisco. The captain of the T. Allen boarded the W. B. Godfrey, and after a brief interview with Captain Dabel left again for his vessel and

resumed his voyage for San Francisco.
The Hawalian steamship Australia, Capt.
H. C. Houdlette, sailed at noon Tuesday. October 23d, for San Francisco, with miscellaneous cargo valued at \$64,338 50. The shippers were: W. G. Irwin & Co., 2,805 bags sugar; Hyman Bros, 39 bags sugar and 1,100 bags rice, A. J. Campbell, 1,707 bunches bananas. Sundries: 2,535 bags rice, 142 bbls, fallow, 100 bundles suga cane, 1,788 bunches bananas, 43 barrels molasacs, 719 skins, 1,324 hides, 546 empty kegs, 1 bag containing \$1,194 gold, 1 box sample beer, and 30 packages sundries.

The German fron bark H. Hackfeld, Capt. H. Wolters, formerly of the bark C. R. Bishop, arrived on Tuesday marning, Oct. 23d, 146 days from Liverpool, with about 2,300 tons general merchandise, 900 tons of which are in transit for San Francisco. Among the cargo for this port are 50 tons steam plow machinery for Hon. H. A. Widemann. The Captain reported having had pleasant weather for the greater part of the passage, excepting when off Cape Horn, when stormy weather of a somewhat severe nature was experienced for some time. The H. Hackfeld comes consigned to Messrs. H. Hackfeld & Co. and is docked at Brewer's wharf where she is unloading Smith, Mrs Crews and child, J W Kusi-moku, F W Bartels, J K Nahale, C Okuu, were three stowaways.

Steamer Zealandia, K. Van Oterendorp, From Kapaa, per stmr James Makee, Oct 27—Col Z S Spalding.

Prom San Francisco, per S S Zealandia, Cottober 20th, at 4 p. m. with 32 cabin passengers for Honolulu, 4 for Auckland, 5 discovered in a mound in the for Sydney. 22 steerage for Honolulu, 21 Kiltearn, Ross-shire, Ireland.

for Auckland and 47 for Sydney. Freight 149 tons for Honolulu, 162 for Auckland and 839 for Sydney. Arrived at Honoru-October 27th at 10 a. m. Weather-Octo ber 20th to 22d, strong northerly wind and heavy sea; October 23d, moderating; October 24th to 27th, fine weather. The Zeal-andia sailed for the Colonies at 4 p. m. Saturday

The American bark Amy Turner, Captain C. A. Johnson, arrived on Saturday morning, October 27th, 152 days from Boston with about 1,700 tons general freight, including 5,000 cases kerosene oil in transit for Manila. The captain furnishes the following memorandum of the voyage hither: Left Boston May 24th, an-chored in Nantasket roads same day; were wind-bound there 4 days. After leaving wind-bound there 4 days. After leaving the roads had several days of light southerly winds and foggy weather. June 9th, latitude 33 deg. 69 min. N, longitude 41 deg. 12 min. W. passed the wreck of the brigantine Warren W, of Charlottetown, P. E. I., water logged and dismasted. Took the NE trades in latitude 30 deg. N, longitude 40 deg. W, and lost them in latitude 8 deg. N, longitude 27 deg. W. Had 7 days of equatorial doldrums. Took the SE trades in latitude 3 deg. S, and longi-SE trades in latitude 3 deg. S. and longitude 25 W. Crossed the equator in longitude 28 deg. W. June 30th. Lost the SE trades in latitude 29 deg. S. longitude 38 deg. W. Were 24 days from 50 deg. S. in the Pacific, the Atlantic to 50 deg. S. in the Pacific to with almost a constant succession of head winds. August 9th sighted and passed Cape Horn, mountain tops covered with snow. Carried N to NW winds to latitude snow. Carried N to NW winds to latitude 16 deg. S. longitude 85 deg. W, where we met the SE trades which were light and baffling throughout. Crossed the equator in longitude 121 deg. W, on the 9th of October. Lost the SE trades in latitude 5 deg. N. longitude 128 deg. W. Took the NE trades in latitude 10 deg. N. longitude 129 deg. W. From the time of leaving Nantasket Roads until the SE trades were encountered in the Pacific had only 10 days of fair wind. Sighted Hawaii on were encountered in the Pacific had only 10 days of fair wind. Sighted Hawaii on Friday morning and made Honolulu the following day at daylight. Captain Johnson was formerly in command of the bark Edward May, and Captain Newell having been promoted to the new Hawaiian iron bark Foohing Suey now on the way from Glasgow to San Francisco., Captain Johnson was ordered from Manila to return and join the Amy. Turner. There were 7 join the Amy Turner. There were 7 steamers and 90 sailing vessels sighted on the voyage from Boston.

WHITNEY-At Pelekane, Honolulu, Oct-ober 27th, Mrs. Captain B. Whitney, aged 50 years, 9 months, and 18 days. Leaves a husband and five children to mourn her loss, San Francisco papers please copy.

SUPREME COURT---OCTOBER TERM.

MR. JUSTICE M'CULLY PRESIDING.

SATURDAY, Oct. 27. The Court opens at 10 a. m. Noon recess 12:10 to 1:30 p. m. At 3:48 adjourns sine die.

Law Division. J. S. Martin vs. L. B. Kerr. C. W. Ashford for plaintiff; A. Hartwell for defendant. Trespass. Defendant's motion filed October 24th for a new trial. Defendant's bill of exceptions is allowed.

L. Ahlo vs. Wm. Hensy and Henry R. Macfarlane. V. V. Ashford for plain-

Criminal Division. The King vs. Pang Yuen Char, C. W. Ashford, Attorney-General for the Crown; W. A. Whiting for the defendant. Conspiracy, second degree. Defendant's motion for arrest of judgment overruled and exceptions noted. Sentenced to three months imprisonment at hard labor without costs of Court.

Divorce Division. Maria Hageman vs. Harry Hageman. P. Neumann for plaintiff; defendant per se. Petition for divorce heard and divorce granted for extreme cruelty and failure to provide of defendant. Defendant also ordered to pay to the Clerk, by Saturday noon next, \$25 for costs or be fined for contempt.

Kaslemauna (w.) vs. Alika (k.) S. K. Kane for plaintiff; A. Rosa for defendant. Case being called and plaintiff not being ready it is ordered discontinued unless plaintiff pay to defendant on or before Saturday next \$25, when it shall be continued to the January term.

Wm. Chas. Achi vs. Isabella Achi. A. Rosa for plaintiff; no appearance of or for defendant. Plaintiff's motion for discontinuance is allowed.

Awai (Ch.) vs. Mary Ana. S. K. Kane for plaintiff; defendant per se Divorce granted for adultery of defendant. Annie Harrigan vs. George Harrigan. A. Rosa for plaintiff; defendant per se. Divorce granted for habitual intemperance of defendant, and the order of Mr. Justice Preston of Sept. 8, that defendant pay Mr. Rosa for attorney's fees and costs, stands.

Ellen Davis vs. Daniel Davis. A. Rosa for plaintiff, J. L. Kaulukou for defendant. By agreement of counsel continued

Kala (w.) vs. Kapuiki (k.). A. S. proof of the existence of T. H. Davies Hartwell for plaintiff; W. C. Achi for & Co.," which motion to discharge defendant. Divorce granted for extreme | the Court denied. cruelty of defendant, he to pay costs.

Failing to be heard or finished this term, the following cases are ordered continued to next term: The King vs. Haawinaaupo, Keohokii vs. Palahu, Ka hananni vs. Ashford, Kanakanni vs. Leslie, Kekai vs. Yim Quon, Keau vs. Lopez, Trustees Bishop Estate vs. Kala, and Joliva vs. Kaulukou.

A New Captain for the Hyacinth.

Captain Acland of the British Navy arrived by the steamer Zealandia to relieve Captain Bourke of the Hyacinth. in commission was the Miranda on the United Kingdom, however, he was in command of the ergiser Ampion, that very skilfully broke the enemy's blockade of Loch Swilly. Captain Asland will likely have the offer of re-appointment when the Hyacinth receives a new crew at Hongkong in March. He has been here before on one of Her Majesty's flag-

Colonel Macfarlane.

Col. Geo. W. Maefarlane has unfortunately been stopped at New York on his travels, with an attack of erysipelas caused by cold contracted in Montreal. A private letter from San Francisco states that the Colonel had been offered the position of Chamberlain to King fore plea.

Several pre-historic graves have been discovered in a mound in the parish of In the Supreme Court of the Ha- therefore dismiss the appeal, with waitan Islands-In Banco. Octo- costs. ber Term, 1888.

DANIEL KALEIALII ET AL. VS. KEKUA WELA ET AL.

JUDD, C.J.; M'CULLY, PRESTON, BICKERTON AND DOLE, JJ.

Opinion of the Court by Bickerton, J. This matter comes here on a Bill of Exceptions filed by defendants from the April Term, 1888, where the

case was tried before Mr. Justice

Dole without a jury, jury having been waived. The bill is as follows: "Defendants now except to the findings of fact, or verdict, herein made and rendered, and to the judgment thereon entered, on the grounds that the same are not sustained by the evidence, and are not authorized by the averments in the plaintiffs' declaration. And the foregoing Bill of Exceptions being presented to me within the time therefor required by law, and found conformable to the

truth, is hereby allowed." The counsel for plaintiffs contends that there is nothing before the Court, as the Bill of Exceptions does not conform to the requirements of Rule 8. Section D. of the Rules of Court. in that it is incomplete and insufficient. The rule requires that the Bill of Exceptions shall set forth whatever is essential to a full under-

standing of the case. Defendants' counsel contends that Court below before it, the bill is sufficient. We do not think so. We have to hold that a bill in the form of this one cannot be considered to amount to more than a notice of exceptions. The bill before us excepts to the findings of fact and to the judgment thereon, on the grounds that the same are not sustained by the evidence, etc., it does not refer to the records, the Judge's minutes, or the evidence, and no copies of the same are annexed thereto. We hold that without these this bill cannot be considered sufficient or complete, or as setting forth whatever is essential

to a full understanding of the case." In the case of Ah Chu vs. Sung Kwong Wo Co., 5 Haw., 292, we find the following language used by this Court: "Another question raised is, that the Bill of Exceptions did not contain the evidence. The bill filed refers to the Judges' minutes below, and asks that they may be made part of it. Upon these his decision was based; and, though informal, we shall hold it enough in the case, but they must be copied and annexed to

the bill." In Kamalu vs. Lovell, 4 Haw., 604, embody the evidence, and in all cases grafted in the Bill of Exceptions to apprise the Appellate Court of the nature of the question raised." There is nothing before us for con-

sideration. W. O. Smith and A. P. Peterson, for plaintiffs; A. S. Hartwell, for defendants.

Dated Honolulu, October 8, 1888.

In the Supreme Court of the Hawaiian Islands-In Banco. October Term, 1888.

THE KING VS. MAHELONA.

On appeal from Police Justice, Honolulu, SEFORE JUDD C.J., M'CULLY, PRESTON, BICKER-TON AND DOLE. JJ.

Opinion of the Court by Preston, J. The defendant was convicted in the Police Court, Honolulu, of the and to pay a fine of \$10 and costs. An appeal was taken to this Court on the following point of law as cer-

tified by the Police Justice: "At the close of the case for the prosecution, defendant's counsel moved the Court to discharge the defendant on the ground that owner- be placed upon it. We are of opinship had not been proven, in that it | ion that the search warrants were of had been alleged that the defendant this character, and that the instrucstole the goods and property of T. tion of the Court in this respect was H. Davies & Co., but there was no proof of the existence of T. H. Davies

The evidence as certified up shows that one witness, Kaoaka, testified etc., and is committed in the night those cases belong to Davies & Co.;" that another witness, McCubbin, tesness, Bila Kaheuna, testified, "I charged in the indictment to have

work at T. H. Davies & Co's." Counsel for the defendant, on the | been committed in the Court House, hearing of the appeal, contended as it was, and the warrants were of that the charge should have specified | the value of \$100, it would be larceny the names of the persons composing in the second degree. He is accompanied by his steward, Mr. the firm of T. H. Davies & Co., or W. Hobbs. Captain Acland's last ship that, at all events, evidence should amount of more than \$5 or less than have been given of the names of such Australian station. During the recent persons, and cited many authorities 1st and 2d division of the Section to naval maneuvers on the coast of the showing that in indictments such the amount of \$10 or more, and less allegations were necessary, and that than \$100, is larceny in the third decopartnerships should not be desig- gree. nated by the firm name.

While agreeing with this contenthe defendant in the present case. The law provides that in indictable offenses "every objection to any demurrer, or motion to quash such in one of the preceding degrees. indictment, before the accused has in charges in the inferior Courts be- Circuit for a new trial,

The sole point, however, for our that the evidence does not show a

A. P. Peterson, Deputy Attorney-General, for the Crown; A. Rosa, for defendant.

Dated Honolulu, October 8, 1888.

Supreme Court of the Hawaiia Islands, In Banco. October Term.

THE KING VS. CHOP TIN.

BEFORE JUDD, C. J., M'CULLY, PRESTON, BICK-ERTON AND DOLE, JJ. Opinion of the Court per JUDD C. J.

The defendant was convicted of larceny in the third degree, at the Circuit Court of the Fourth Circuit. A prosecution against himself was being conducted in the Police Court of Lihue, Kauai, in which two search warrants, which had been served and returned to the Court, had been produced. As the Police Justice rose to take the case under advisement, the warrants were missed, and, on defendant being charged with taking them, he denied knowledge of them, and they were found by the sheriff on his person and taken from him.

The indictment in the Circuit Court against him, described the property alleged to be stolen, as that of "S. W. Wilcox, Sheriff of the Island of Kauai," and on a motion to quash the indictment on the ground that the warrants were not the property of the sheriff, but of the Police the Court, having the decision of the Justice, the indictment was amended on the motion of the Deputy Attorney-General, so as to read that the subject of the larceny was the property of the Sheriff and the Police Justice.

The Court was asked, on the conclusion of the evidence, to instruct the jury to acquit the defendant, on the ground:

(1) There is no certain evidence whose the property was. (2) And no value of the warrants

had been shown. (3) No evidence of intent had been This motion was overruled and excepted to, and on the rendition of the verdict of guilty of larceny in

new trial and in arrest of judgment were made to this Court. By THE COURT:-The search warrants could not well be, as alleged in the indictment, the property of both the Sheriff and the Police Justice.

It is true that no direct evidence was introduced, to show whose property they mere, but the documents were produced, and an inspection of them indicates that they were " origtiff; no appearance of or for the defendants. Assumpsit, note \$575 and interest. Clerk's certificate of failure of defendant Macfarlane to answer being presented and filed, the Court orders presented and filed, the Court orders of the evidence, must be a contrary to the evidence, must authority of Section 24 of the "Act of the Court orders are contrary to the evidence, must authority of Section 24 of the "Act of the contrary to the evidence and in a certain morigage deed, being date the authority of Section 24 of the "Act of the contrary to the evidence and in a certain morigage deed, being date the authority of Section 24 of the "Act of the contrary to the evidence and in a certain morigage deed, being date the authority of Section 24 of the "Act of the contrary to the evidence and in the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the evidence authority of Section 24 of the "Act of the contrary to the contrary to the contrary to the evidence authority of Section 24 of the "Act of the contrary to t pleted grinding for the season, and will defendant Macfarlane to answer being commence operation again next January. presented and filed, the Court orders as contrary to the evidence of property in the contrary to the evidence of the contrary to the enough of the evidence must be en- to regulate the practice and proceedure in criminal cases," page 345,

Compiled Laws. The value of the property alleged to be stolen, is also unnecessary to be proven in this case, and unnecessary to be alleged in the indictment. Section 8 of Chapter XLVI. of the Penal Code on larceny, enumerates among "writings of value" which may be the subject of larceny a "writ or process." And Section 9, which declares that where no one can be benefitted by a writing, and no one has any interest in it, or depending upon it, or can be subject to liability by its passing into other hands or being destroyed, it is not a subject of larceny," must refer to other writings, as well as those enumerated in Section 8, and must be read in connection with Section 10, which declares that the "value of a writing is not necessarily to be considered to larceny of one case of condensed be the amount expressed or imported milk and one case of Java coffee from by the writing itself, but should be T. H. Davies & Co., and was sen- determined by its importance, matenced to six months imprisonment, teriality and availability as affecting public or individual interests." This means that the writing may have value or utility, and be the subject of larceny if it is important or material to some public or individual interest, and is available for that purpose, though no money value could But our Code distinguishes four

correct. degrees of larceny. The first degree is where the offence is committed in a Custom House, Court House, etc., time to the value of \$100 or more.

The second degree is such larceny tified that he was "shipping clerk at to the amount of \$25 or more, and T. H. Davies & Co.'s ; we have coffee less than \$100, or when the same is and condensed milk; the milk has committed in the day time to the our mark upon it;" another wit- amount of \$100 or more. Clearly, if this larceny had been

> Larceny in the day time to the \$100, or the larceny not described in

All larceny to an amount less than \$5, and all other larceny not being in tion, we do not consider it open to one of the preceding degrees, is such in the fourth degree.

No pecuniary value being placed upon the search warrants by the eviindictment for any defect apparent dence, larceny of them is in the on the face thereof shall be taken by | fourth degree, as being a larceny not For this reason, we find that the

pleaded, and not afterwards;" and defendant was improperly convicted we are of opinion that similar objectors should be made to any defect accordingly remand the case to the We remark, on the request to charge

consideration is: "Was there any felonious taking of the warrants, or usiii. proof of the existence of T. H. Davies an animus furandi-an intent to ap-& Co.?" We think there was, and propriate to his own use the property

of another,-that the conduct of defendant in concealing the papers on his person and denying that he had them, is sufficient, to our minds, to show that the taking was felonious, and is not disproved by his statement, on his defence, that he took them to show to his counsel; but this was properly left to the jury.

Deputy Attorney General for the Crown; A. Rosa and V. V. Ashford for defendant. Honolulu, Oct. 11, 1888.

Adhertisements.

Mortgagee's Notice of Fore-

closure. N ACCORDANCE WITH THE

IN ACCORDANCE WITH THE provisions of a certain mortgage made by James Kean to Alex. J. Cartwright, Trustee, dated July 15th, 1855, recorded Liber. 97, page 223, notice is hereby given that the mortgagee intends to foreclose the same for condition broken, to wit: Non-payment of interest.

Notice is likewise given that, after the expiration of three weeks from the date of this notice the property conveyed by said mortgage will be advertised for sale at public ancilon at the Auction Rooms of James F. Moran, in Honolulu, on MONDAY, the third day of December, 1888, at 12 noon of said day.

Further particulars can be had of W. R. Castle. Castle.
Dated Honolulu, October 30, 1888.

ALEX, J. CARTWRIGHT, Trustee, Mortgages. The premises covered by said mortgage consist of a lot containing 17-100 of an acre on the makai side of King street, just beyond Leleo. in Honoluiu, together with the houses thereon, conveyed to mortgagee by geed of J. M. Kakena, Liter. 80, page 496.

Mortgagee's Notice of Inten-

tion to Foreclose.

NOTICE IS HEREBY GIVEN
that pursuant to a power of sale contained
in a certain mortgage deed bearing date the 20th
day of March, 1881, made by H J Wana of Honolinin, Oahu, to J S Walker and F H Hayselden,
Trustees of the Estate of J G Hayselden, deceased, and of record in the office of the Registrar of Conveyances in Honolniu, in Liber 86,
page 4:4, and for breach of the conditions in
said mortgage deed contained, to wit: the nonpayment of both principal and interest when
due that the undersigned intends to foreclose
said mortgage and that all and singular the
lands' tenements and hereditaments in said
mortgage deed named and described, will after
the time limited by law be sold at Public Auction, on account of the treach of the conditions
as hereinbefore mentioned tion to Foreclose.

as hereinbefore mentioned
The property in said mortgage described being as follows:
All that certain house lot tract or parcel of land All that certain house lot tract or parcel of land on King street, in Honolain and more particularly described in deed of J E Banard, Executor of will of Susan Reynolds, alias Kukeana Neke to H J Wans. April 29 1882, of record in Liber 74, page 127, area 20:100 acre and buildings and structures, viz: Part of Royal Patent 5738, L C A 706, commencing at the North Angle of this Lot on King street at a point 187 feet from a granite post at the North corner of the Catholic Church Burlai lot and running S 15° 25° W magnetic 131 feet along fence down along lane being a portion of R P 5735, 18 angle of fence S 72° 30° E magnetic 77 feet along makal portion of R P 5735, along fence to King street, thence N 79° 10° W magnetic 91 feet along King street along fence to laitial point.

J S WALKER and
F. H. HAYSELDEN,
Trustees of Estate of J. G. Hayselden, dec'd, the third degree, exception to the verdict was taken and motions for a

Trustees of Estate of J. G. Hayselden, dec'd, Mortgagees, W. Austin Whiting, Attorney for Mortgagees, Honolulu, Oct 17, 1888. 1241-41

Mortgagee's Notice of Intention to Foreclose. luin, Oahn, and of record in the office of the Begi-trar of Conveyances in Honoiniu, in Liber Se, on pages 4:55 and 4:57, and for breach of the conditions in said deed contained, to wit: the non-payment of both principal and interest when due, that the undersigned intends to foreclose said mortgage, and that all and singular, the lands, tenements and hereditaments in said mortgage deed named and described, will after the time limited by law be soid at Public Auction, on account of the breach of the conditions as hereinbefore mentioned. is hereinbefore mentioned.

The property in said mortgage described be-ng as follows: First—All those two tracts or parcels of land First All those two tracts or parcels of land situate at Kaipapau. Waralua, Island of Oahu, contained 10 and described by motes and bounds in Apana land 2 of Royal Patent No. 182 to Kaupea and Kamai. Apana 1 contains 40 3 Eka, and Apana 2 contains 93. SECOND—All those three several pieces or parcels of land situate at Hannia, Roolanica, Onhu, contained in and by metes and bounds described in Apanas 1, 2, and a portion of Apana 3 in Royal Patent No. 1317, L. C. A. 8591.

o G P Koekoe.

Apana 1, 8 Loi and Kula, contains 3.23 Eka.

Apana 2, 4 Loi Kaio, contains 0 488 Eka.

Apana 3, Pa halo, originally contains 0,75 Eka.

A portion of this piece about 14 Eka was sold the flawalian Government for a Court House

WM, R AUSTIN, Mortgagne,

W. Austin Whiting, Attorney for Mortgagee, Dated Oct 17, 1888. 1941-41 Mortgagee's Notice of Foreclosure. IN ACCORDANCE WITH THE IN ACCORDANCE WITH THE provisions of certain Mortgage made by liabdwidn (a) and Maria Habdwidn his wife to Raysoond Reyes, dated November 21, 1887, recorded in Liber 108, pages 337 and 338.

Notice is bereby given that the mortgagee intends to foreclose the same for coa dition broken to wit: for non-payment of interest thereon, Notice is likewise given that after the expiration of three weeks from the date of this notice the property conveyed by said mortgage will be advertised for sale at Public Auction at the saction rooms of Jas, F. Morgan, in Honolain, on WEDNESDAY, the 31st day of October, 1888, at 12 noon of said day.

at 12 noon of said day.

Further particulars can be had of S. M. Kaankal.

Dated Honolulu, 2t Sept., 1888.

RAYMOND REYES, Mortgagee.

The premises covered by said Mortgage consist of certain premises makal side of Geretania St., on Walkiki side of Punchbows St., containing 47-100 acre of fine house lot.

1241-24

Mortgagee's Notice of Intention to Foreclose.

DURSUANT TO POWER OF PURSUANT TO POWER OF sale contained in a certain mortrage made by W. L. Wilcox to S. B. Dole, Trustee, dated the 28th day of March, A. D. 1884, of record in the Hawaiian Registry of Deeds, in Book 90, pages 146 and 147, and assigned to Frank J. Kruger on the 26th January, A. D. 1888, and of record as aforesaid, the undersigned hereby gives notice of his intention to foreclose the non-payment of both principal and interest when due, and after the time limited by law, will sell at public auction the land described in said mortgage, to wit: All that piece of land situate at Keauho, in Kalihi, Honoiniu, Oahu, containing an area of 124-160 agres. containing an area of 1 24-100 acres. FRANK J. ERUGER,

Assignee of said Mortgage.

A. Rosa, Attorney for Frank J. Kruger.

Dated Honolulu. October 22, 1888. 1241-41 Mortgagee's Notice of Inten-

tion to Foreclose. NOTICE IS HEREBY GIVEN
that pursuant to a power of sale contained in a certain mortgage deed, dated July 12. A D 1886, made by Alfr d Wm Jones of Ishaina, Island of Mani, to C B Bishop, J H Paty and 8 M Damon, doing business in Honolulu. Island of Oghu, under the firm name and style of Bishop & Co, recorded in the office of the Registrar of Conveyances, in Liber Ica, follos 189-18 and for a breach of the conditions in said mort gage deed contained, to wit: the non-payment of both the princips! and interest when due, that all and singular the lands. Icacements and herestitaments in said mortgage deed contained and described will after the time limited by law and at a time to be hereafter designated be sold at Public Auction on account of the breach of the conditions as hereinbefore mentioned.

The property in said mortgage described being as follows:

The gas Individed half or moiety of all that certain tract of land situate at Lupchu, Island of Molokai, containing an area of 223 acres, more or less, and being the same premises destinate one undivided half or moiety of all that certain tract of land situate in said Island of Melokai, and known as the Abupuas of Pobakatiertain tract of land situate in said Island of Melokai, and known as the Abupuas of Pobakapiii, containing an area of 220 acres, more or less, and being the same premises described in usualit.

BISHOP & CO.

J. M. Monsarrat, Attorney for Mortgagees.

Dated Honolulu, Oct. 9, 1888. NOTICE IS HEREBY GIVEN

J. M. Monsarrat, Attorney for Mortgagees. Dated Honolulu, Oct. 9, 1888. 1289